

REMARKS

At the outset, the Examiner is thanked for the review and consideration of the pending application. The Final Office Action dated November 4, 2008 has been received and its contents reviewed. Reconsideration of the pending application is respectfully requested in view of the following observations.

1. Request For Continued Examination.

In view of the Final Office Action, Applicant submits herewith a Request for Continued Examination and fees in order to remove finality and to gain entry of the present Response.

It is believed that the new arguments presented herein may raise new issues requiring a further search and consideration by the Examiner.

Entry of the present Response is respectfully requested.

2. Status of Claims.

By this Response, no claims are hereby amended.

Claims 1, 4, 5, 7-9, 12, 13, 15-17, 19, 20, 24 and 25 have previously been canceled per Applicant's Election of Group I (claims 2, 3, 6, 10, 11, 14, 18 and 21-23) without traverse in Response to Restriction Requirement filed February 20, 2008.

No other claims are hereby canceled. No claims are hereby newly added.

Accordingly, claims 2, 3, 6, 10, 11, 14, 18 and 21-23 remain currently pending.

The Listing of Claims is presented for the convenience of the Examiner.

3. Claims 2, 3, 6, 10, 11, 14, 18 and 21-23 are rejected under 35 U.S.C. §103(a) as unpatentable over United States patent 7,020,780 B1 (Mochizuki) in view of United States patent application publication 2006/0265752 A1 (Wei) and further in view of United States patent application publication 2002/0048327 A1 (Watanabe).

Applicant respectfully requests reconsideration of the Examiner's position regarding the rejection of claims 2, 6 and 21 in view of the following remarks.

None of the cited references, singly or in any combination, teach or suggest the claimed invention.

A. The Claimed Invention.

Turning to the claimed invention, Applicant's Figures 2(a) and 2(b) by way of non-limiting example, show the secret code portion (48) with respect to the marks of the BCA code. As can be seen in Figure 2(b), the secret code portion (48) forms an undulation with respect to at least the mark length, mark intervals and mark widths (See also Applicant's Figures 3(a), 3(b), 3(c) and 3(d)).

The secret code is included in the BCA code by positively deforming a bar recording position of the BCA code, as best shown for example, in Applicant's Figures 2(b) and Figure 3. Stated differently, the claimed invention requires deforming (modulating) the BCA code stored in the BCA code memory so that the secret code is included therein (Specification lines 15-17 at page 22).

The Examiner's attention is also drawn to the word "modulation" which refers to the changing of position and shape of the BCA code (Applicant's Specification page 28).

B. Mochizuki and Wei.

It is submitted that *Mochizuki* does not teach or suggest that its cipher key forms an undulation with respect to the BCA code or that the cipher key is modulated in accordance with a previously determined procedure.

Wei teaches a method and system for authenticating a disc.

Wei teaches, "[a]ccording to one embodiment of the invention, upon insertion of a disc into a player, the player reads a disc identification (ID) on the disc. The player then sends a registration request with the disc ID to a server over the Internet for obtaining an authentication key for playing the disc, upon proper registration of the disc by the server. To properly register the disc, the server first determines whether the disc ID is included in its database. If so, the server will then check whether the disc has already been registered. If it has not, the server will send back an encrypted authentication key to the player to enable it to play the disc. Upon proper registration of the disc, the server will set a registration status associated with the disc to prevent any subsequent unauthorized registrations for the same disc. If either the disc ID is not included in the server database or the disc has already been registered,

the server will send back a failed registration code to the player that will then reject the disc (Summary of Invention).”

Wei does not teach or suggest the claimed secret code.

The Examiner acknowledges that neither *Mochizuki* nor *Wei* teach or suggest the claimed, “secret code forms an undulation with respect to the BCA code in a range capable of recognizing a recording position in a radial direction of the optical disc (Office Action at page 3).”

The Examiner then turns to *Watanabe* and states that *Watanabe* discloses the claimed limitation in reference to *Watanabe* Figure 25 and paragraph [0003].

C. *Watanabe* Does Not Teach the Claimed Secret Code.

Watanabe Figure 25, as cited by the Examiner, shows conventional data synchronization detection.

Watanabe [0003] states:

“[0003] The conventional method is described taking a magnetic disc device as an example. FIG. 25 is an example of the recording format of a magnetic disc device. The data are recorded or reproduced in respect of the recording medium at each sector constituting a unit storage region. Each sector receptively contains a PLO_SYNC region 91 for pulling in a PLL (phase locked loop), a data synchronization signal 92 for detecting the start position of DATA 93 and obtaining a decoding timing signal of undulated code, DATA 93 of the data region in which data is actually recorded/reproduced, and, in addition, CRC or ECC 94 for error detection and/or correction. Between each sector, there is a GAP 95 constituting a pattern for correctly performing data identification of the final data bit and for absorbing the various delay times.”

There is clearly no mention of the claimed secret code forms an undulation with respect to the BCA code in a range capable of recognizing a recording position in a radial direction of the optical disc.

Watanabe is directed to a recording format of magnetic data and a technique of a magnetic head detecting a magnetic change. *Watanabe* has nothing similar with that of the claimed invention.

Returning to Applicant's Figure 2(b) and Figure 3, it is very clear that the claimed invention is very different from the cited Figure 25 of *Watanabe*.

Accordingly, none of the cited references disclose positively deforming a bar recording position of a BCA code.

D. Conclusion.

In view of all of the above arguments, it is clear that the combination of *Mochizuki*, *Wei* and *Watanabe* does not render the claimed invention *prima facie* obvious.

Withdrawal of the rejection of claims of claims 2, 6 and 21 is respectfully requested.

The rejection of claims 3, 18 and 22 is respectfully traversed and reconsideration is requested.

Applicant's arguments with respect to the rejection of claims 2, 6 and 21 apply equally to the rejection of claims 3, 18 and 22 and are not repeated herein.

Withdrawal of the rejection of claims of claims 3, 18 and 22 is respectfully requested.

The rejection of claims 10, 14 and 21 is respectfully traversed and reconsideration is requested.

Applicant's arguments with respect to the rejection of claims 2, 3, 6, 18, 21 and 22 apply equally to the rejection of claims 10, 14 and 21 and are not repeated herein.

Withdrawal of the rejection of claims of claims 10, 14 and 21 is respectfully requested.

The rejection of claims 11, 18, 22 and 23 is respectfully traversed and reconsideration is requested.

Applicant's arguments with respect to the rejection of claims 2, 3, 6, 10, 14, 18, 21 and 22 apply equally to the rejection of claims 11, 18 and 22 and 23 and are not repeated herein.

Withdrawal of the rejection of claims of claims 11, 18, 22 and 23 is respectfully requested.

4. Conclusion.

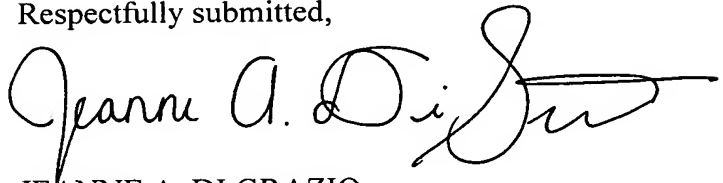
In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, reading "Jeanne A. Di Grazio". The signature is fluid and cursive, with a long horizontal stroke at the end.

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